

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

JANE DOE, et al.

Plaintiffs,

vs.

HOWARD ZUCKER, et al.

Defendants.

Civil Action No.: 1:20 – CV – 0840 (BKS/CFH)

**DECLARATION OF S.P. IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY
INJUNCTION**

S.P. pursuant to 28 U.S.C. § 1746 declares under penalty of perjury as follows:

2. I am the mother of a very sick medically fragile eleven-year-old boy who until recently attended school in the Franklins Square School District (17) of New York.

3. My child suffers from a number of neurodegenerative disorders, immunodeficiency disorders and has mitochondrial disease and other health challenges. His seizure disorder is so bad that he falls to the ground up to thirty-five times a day on average and needs constant one on one attention to avoid suffering injury.

4. I write this declaration in support of the Plaintiffs' motion for a preliminary injunction and as a potential class member in this suit.

12. Last fall, we submitted a medical exemption from my child's treating physician, who is licensed to practice in New York and who we trust.

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3 13. The school denied the request with no explanation. Worse, my son was not only
4 thrown out of school, but everything that had been put in place for him in terms of his
5 extensive required services (including in home teacher support) was taken away from him.

6 The district would not even give me work-books to try to teach him at home myself.

7 14. I am not a teacher and I do not have the necessary expertise to give my child the
8 additional services he needs. I tried my best to homeschool my son. I had to almost
9 completely give up my job to care for him.
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11 15. Without income, we could not afford tutors, or online instruction. My child was
12 devastated after being told he could not go to school anymore, or participate in any of the
13 activities with the children who he had made friends with. It was so hard to make friends.
14 He'd finally found kids who weren't afraid of his ticking disorders, his seizures and his
15 falls to the ground and screaming.
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17 16. To add insult to injury, the school district then called CPS on me to allege I hadn't
18 turned in my quarterly reports and they thought I was "lying" about the medication my son
19 was taking.
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21 17. Teachers and administrators at the school have humiliated us and looked down on us.
22 They have no idea what is happening to us and how devastating the loss of school and
23 special services has been for our family. We are trying so hard every day to help our son
24 just even get through the day and to handle his health challenges, leave aside to also
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2 educate him and provide everything that a team of professionals was supposed to be
3 providing for him.
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5 18. Our doctor has written another medical exemption request. Our son clearly needs this.
6 He also clearly needs school. We ask for the Court's help. We have been put in an
7 impossible position and our child is suffering. He suffers so much already and does not
8 deserve to suffer more.
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10 19. Wherefore, I respectfully ask this Court to grant the relief and let our children remain
11 in school pending the outcome of this case and to stay the regulations that allow school
12 districts to overrule treating physicians.

13 RESPECTFULLY SUBMITTED this 14 day of August 2020
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26 DECLARATION OF S.P. IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION
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